

SPEAKER LUEDTKE: Any discussion on the first committee amendment? If not, all those in favor of adopting, Senator Marsh, or are you voting? All those in favor then of adopting the first committee amendment vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 0 nays, 19 present and not voting, 2 absent and not voting.

SPEAKER LUEDTKE: Proceed then with your next amendment then, Senator Barnett.

SENATOR BARNETT: I would move for the adoption of the first amendment that I passed out to you this morning, on page 2, line 13.

SPEAKER LUEDTKE: That is the one that you had started.

SENATOR BARNETT: If you can follow with me, it will read like this, starts on line 13, "To safeguard conduct that is without fault and which is essentially victimless in its effect from condemnation as criminal." This is a committee amendment and when I speak of committee I speak of several senators who have gathered to try to learn the code and to go through the code and to talk over the issues as they go through them with staff members and myself and other people involved. This change modifies slightly the general policy statement of the Legislature regarding the Criminal Code. It is a request amendment, and when I refer to request amendment, I refer to it as the committee that is checking through this with the concerns of the Criminal Code and generally applies to the legislative attitude regarding victimless crimes and with that I would ask for the adoption of that amendment.

SPEAKER LUEDTKE: Motion is to adopt the amendment, on page 2, line 13. Is there any discussion on this amendment? Seeing none, all those in favor of the adoption of the amendment on page 2, line 13, the first amendment after the committee amendment, vote aye, opposed nay. Have you all voted? It requires 25 votes. Senator Barnett.

SENATOR BARNETT: I guess I would have to try to get about two or three more votes up there before I would want to have to ask for a....thank you.

CLERK: 26 ayes, 1 nay, 20 present and not voting, 2 absent and not voting.

SPEAKER LUEDTKE: The amendment is adopted.

SENATOR BARNETT: Now, Mr. Chairman, I will start through the Article I which has nine sections, and if you care to follow with me, you was all handed earlier in this session, maybe two or three weeks ago, a quite lengthy explanation of the Criminal Code. I see Senator Maresh has it in his hand and we will start with Article I on this Criminal Code. Section 1 of Article I states that sections 1 to 342 of this act shall be known as the Nebraska Criminal Code. That is all it states, and if at anytime anybody has a question, Mr. Chairman, would you please alert me so that I might answer the question.